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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,506	03/20/2001	Mitsuharu Nakamura	040894-5647	8902
9629	7590	06/28/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			LE, THANH TAM T	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

E/C

Office Action Summary	Application No.	Applicant(s)	
	09/811,506	NAKAMURA ET AL.	
	Examiner	Art Unit	
	Thanh-Tam T. Le	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/05 & 04/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Notice of Allowance mailed on 2/28/05 has been withdrawn. Claims 1-2 and 4-6 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (EP 0 597 388 A2).

Regarding claims 1 and 5, Tanaka, figures 1-2 and 6-7, discloses a cap-shape cover portion (30) having a substantially closed end (31); and a packing protection portion (22) extending from a peripheral wall of an opening (25b, figure 2) of the cover portion in a continual longitudinal direction, an inner surface of the cover portion including a lip (25c, figure 2) separating the packing protection portion from the closed end of the cover portion, the packing protection portion having a cross-section perpendicular to the longitudinal direction that is further from the longitudinal axis than a cross-section of the cover portion;

wherein the cover portion having a hole (38) in a front surface and an engaging projection (35, figure 2) provided on an inner surface of the peripheral wall of the cover portion, the cover is fitted to a connector (10, figures 1 and 7) so as to cover a front

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portion and an outer peripheral portion of the connector and the packing protecting portion covers a packing (14) exposed around the outer peripheral portion of the connector.

Tanaka discloses the cover (30) with a retainer portion (34) having the locking arm (35) and the connector (10) having an aperture (12) between projections except for the engaging projection on the cover portion and a lock arm on the outer periphery of a connector.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Tanaka to have the engaging projection on the cover portion and a lock arm on the outer periphery of the connector, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167, in order to improve the secure locking between the cover and the connector.

Regarding claims 2 and 6, Tanaka, figure 7, discloses an inner peripheral surface of the packing protection is formed in a manner as to be brought into close contact with the packing.

Regarding claim 4, Tanaka discloses a prefitted dustproofing structure whereby the connector is provided with dustproof protection before the connector is fitted to a mating connector, wherein the prefitted dustproofing structure is fitted to the outer periphery of the connector from a front side of the connector, and the packing is protected by the packing protecting portion of the dustproof cover.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thanh-Tam T. Le
Primary Examiner
Art Unit 2839